

IN THE UNITED STATES COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

GROUT DOCTOR GLOBAL FRANCHISE,
a Nevada Corporation,

Plaintiff,

vs.

ERIC C. TIRADO, ERICA L. TIRADO,
TIRADO ENTERPRISES, THE GROUT
PRO,

Defendants.

**ORDER ADOPTING REPORT AND
RECOMMENDATION**

Case No. 2:09-CV-451
Judge Dee Benson

Before the court is the Report and Recommendation issued by United States Magistrate Judge Samuel Alba on October 14, 2009. The parties were notified of their right to file objections to the Report and Recommendation within ten (10) days after receiving it. Neither party has filed such an objection.

Having reviewed all relevant materials including the reasoning set forth in the Magistrate Judge's Report and Recommendation, the court ADOPTS the Report and Recommendation and enters the following Order:

- (1) Defendants' Motion to Dismiss (Dkt. No. 10) is DENIED;
- (2) Plaintiff's Motion to Strike Defendants' Motion to Dismiss (Dkt. No. 14) is DENIED;

(3) Plaintiff's Motion to Strike Defendant Tirado Enterprises' Answer (Dkt. No. 16) is GRANTED; and

(4) Plaintiff's Motion for Default Judgment against Defendant Tirado Enterprises (Dkt. No. 16) is DENIED.

It is FURTHER ORDERED that Defendant Tirado Enterprises shall have sixty (60) days from the date of this order in which to obtain counsel and file a responsive pleading in this case. In the event that Defendant Tirado Enterprises fails to comply with this Order, plaintiff shall be entitled to an entry of Default against Defendant Tirado Enterprises.

It is so ordered.

Dated this 3rd day of November, 2009.

A handwritten signature in black ink, reading "Dee Benson". The signature is written in a cursive, flowing style. The first name "Dee" is written with a large, stylized 'D' that loops around the first letter of the last name. The last name "Benson" is written in a more standard cursive script.

Dee Benson
United States District Judge